

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
LORI JONAS (Bar # 158268)
Senior Attorney
Environmental Enforcement Section
P.O. Box 7611
Washington, D.C. 20044
(202) 514-4080 (telephone); (202) 514-2583 (facsimile)

JOSEPH P. RUSSONIELLO (Bar # 44332)
United States Attorney
Northern District of California
CHARLES O'CONNOR (Bar # 56320)
Assistant United States Attorney
450 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
(415) 436-7180 (telephone); (415) 436-76748 (facsimile)

Attorneys for Plaintiff United States

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA, and)	CASE NO. C 09-0186 CW
THE PEOPLE OF THE STATE OF)	
CALIFORNIA <i>ex rel.</i> CALIFORNIA)	
STATE WATER RESOURCES)	
CONTROL BOARD, and CALIFORNIA)	
REGIONAL WATER QUALITY)	
CONTROL BOARD, SAN FRANCISCO)	
BAY REGION,)	
)	STIPULATION AND ORDER
Plaintiffs,)	AMENDING STIPULATED
v.)	<u>ORDER FOR PRELIMINARY RELIEF</u>
)	
EAST BAY MUNICIPAL UTILITY)	
DISTRICT)	
)	
Defendant.)	

On January 15, 2009, plaintiffs filed a Complaint and a Notice of Lodging, and lodged with the Court a proposed Stipulated Order for Preliminary Relief in the above captioned case.

Today, the United States is filing its unopposed Motion to Enter the Stipulated Order. Concurrent with the Entry of the Stipulated Order by the Court, the parties ask the Court to sign this stipulation amending one provision of the existing language, as set forth below. The reason for this amendment is set forth in the United States Motion to Enter the Stipulated Order.

1 Paragraph 50 of the Stipulated Order is amended to read as follows:

2 “Within 90 days of submission to EPA and the Regional Water Board of any Deliverable except
3 the FMLR, EPA, following consultation with the Regional Water Board, shall, in writing: (a)
4 approve the Deliverable, (b) approve the Deliverable with conditions, (c) approve part of the
5 Deliverable and disapprove the remainder, or (d) disapprove the Deliverable. If EPA does not do
6 one of these four things within the 90-day period, EBMUD shall have the right to invoke the
7 procedures set forth in Section X (Dispute Resolution). With regard to the FMLR, no sooner
8 than 120 days and no later than 130 days after submission of the FMLR to EPA and the Regional
9 Water Board, EPA, following consultation with the Regional Water Board, shall, in writing: (a)
10 approve the FMLR, (b) approve the FMLR with conditions, (c) approve part of the FMLR and
11 disapprove the remainder, or (d) disapprove the FMLR. If EPA does not do one of these four
12 things within the 130-day period, EBMUD shall have the right to invoke the procedures set forth
13 in Section X (Dispute Resolution). EPA and the Regional Water Board shall use their best
14 efforts to timely respond to any Deliverable as provided for by this Paragraph and promptly
15 communicate with EBMUD at such time as they become aware of any constraint on timely
16 response to a Deliverable.”

17 NOW THEREFORE, IT IS HEREBY STIPULATED by the United States and the
18 defendant East Bay Municipal Utility District, that the Stipulated Order for Preliminary Relief is
19 amended as set forth above.

20
21 Respectfully submitted,

22
23 JOHN C. CRUDEN
24 Acting Assistant Attorney General
25 Environment and Natural Resources
26 Division
27 U.S. Department of Justice

1 DATED: June 24, 2009

/s/ Lori Jonas
LORI JONAS
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044
(202) 514-4080

JOSEPH P. RUSSONIELLO
United States Attorney
Northern District of California

CHARLES O'CONNOR
Assistant United States Attorney
450 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
(415) 436-7180

Attorneys for the United States of America

EDMUND G. BROWN, JR.
Attorney General of the State of California

14 DATED: June 24, 2009

/s/ John Davidson
JOHN DAVIDSON
Supervising Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 703-5480

Attorneys for the State of California

BARG COFFIN LEWIS & TRAPP, LLP

20 DATED: June 24, 2009

/s/ Brian S. Haughton
BRIAN S. HAUGHTON
350 California Street, 22nd Floor
San Francisco, CA 94104-1435
(415) 228-5400


Attorneys for East Bay Municipal Utility
District

28 Stipulation & Order [Proposed] Amending
Stipulated Order for Preliminary Relief
C 09-0186 CW

ORDER

IT IS SO ORDERED. The Stipulated Order for Preliminary Relief is hereby so amended.

DATED: 6/29, 2009


CLAUDIA WILKEN
United States District Judge